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Attorneys for Defendants
Merck Sharp & Dohme Corp. and Merck & Co., Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: FOSAMAX (ALENDRONATE
SODIUM): PRODUCTS LIABILITY
LITIGATION**

THIS DOCUMENT RELATES TO:

Carl Donald Johnson v.
Merck Sharp & Dohme Corp.

Civil Action No. 13-cv-05167

MDL No. 2243
Civ. Action. No. 08-08 (JAP)

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT WITH
PREJUDICE FOR FAILURE TO
PROVIDE A COMPLETED
PLAINTIFF PROFILE FORM AND
AUTHORIZATIONS FOR RELEASE
OF MEDICAL RECORDS IN
VIOLATION OF CMO NO. 8**

To: Donald A. Ecklund
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PLEASE TAKE NOTICE that on May 5, 2014, the undersigned, attorneys for defendants Merck Sharp & Dohme Corp. and Merck & Co., Inc. (collectively, “Merck”), shall move before the Honorable Joel A. Pisano, United States District Judge of the United States District Court in Trenton, New Jersey, for the dismissal of the herein matter as relating to plaintiff Carl Donald Johnson for failure to provide a completed Plaintiff Profile Form (“PPF”) and Authorizations for Release of Medical Records and other sources of information (“Authorizations”) in violation of Case Management Order No. 8; and

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Merck relies on the Memorandum of Law and the Declaration of Karen A. Confoy with Exhibits, submitted herewith; and

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Respectfully submitted,

FOX ROTHSCHILD LLP

*Attorneys for Defendants
Merck Sharp & Dohme Corp. and
Merck & Co., Inc.*

By: /s/ Karen A. Confoy
Karen A. Confoy
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Dated: April 7, 2014